

**Maryland Rules**

**Rule 1-102.**

Unless inconsistent with these rules, circuit and local rules regulating (1) court libraries, (2) memorial proceedings, (3) auditors, **and** (4) compensation of trustees in judicial sales[, and (5) appointment of bail bond commissioners and licensing and regulation of bail bondsmen,] are not repealed. No circuit and local rules, other than ones regulating the matters and subjects listed in this Rule, shall be adopted.

**Rule 4-213.**

(a) When a defendant appears before a judicial officer of the District Court pursuant to an arrest, the judicial officer shall proceed as follows:

(6) As soon as practicable after the initial appearance by the defendant, the judicial officer shall file all papers with the clerk of the District Court or shall direct that they be forwarded to the clerk of the circuit court if the charging document is filed there.

*Cross reference:* Code, Courts Article, § 10-912. See **Rule 4-217 concerning notification of the Maryland Insurance Commissioner concerning the release of a defendant on bond;** Rule 4-231(d) concerning the appearance of a defendant by video conferencing.

**Rule 4-216.**

(e) The conditions of release imposed by a judicial officer under this Rule may include:

(4) requiring the defendant to post a bail bond complying with Rule 4-217 in an amount and on conditions specified by the judicial officer, including any of the following:

(B) with collateral security of the kind specified in Rule 4-217(e)(1)(A) equal in value to the greater of \$100.00 or 10% of the full penalty amount, and if the judicial officer sets bail at \$2500 or less, the judicial officer shall advise the defendant that the defendant may post a bail bond secured by either a [corporate surety] **licensed bail bondsman** or a cash deposit of 10% of the full penalty amount;

(E) with the obligation of a [corporation that is an insurer or other surety] **licensed bail bondsman** in the full penalty amount;

**Cross reference: See Code, Art. 2B, § 12-108 for a proscription against requiring a bail bond; see Code, Transportation Art. § 26-403 as to limitation on the amount of bond set by District Court commissioner for vehicle offenses; see Code, Insurance Art. § 10-301 et seq. as to licensure of bail bondsmen.**

**Rule 4-217.**

(a) This Rule applies to all bail bonds taken pursuant to Rule 4-216, and to bonds taken pursuant to Rules 4-267, 4-348, and 4-349 to the extent consistent with those rules.

1 (b) As used in this Rule, the following words have the following meanings:

2 (1) “Bail bond” means a written obligation of a defendant, with or without  
3 a surety or collateral security, conditioned on the appearance of the defendant as required and  
4 providing for the payment of a penalty sum according to its terms.

5 (2) “Bail bondsman” means [an authorized agent of a surety insurer] **an**  
6 **individual who executes a bail bond as or for a surety.**

7 [(3) “Bail bond commissioner” means any person appointed to administer  
8 rules adopted pursuant to Maryland Rule 16-817.

9 **Cross references.** — Code, Criminal Procedure Article, § 5-203.]

10 [(4)] **(3)** “Clerk” means the clerk of the court and any deputy or  
11 administrative clerk.

12 [(5)] **(4)** “Collateral security” means any property deposited, pledged, or  
13 encumbered to secure the performance of a bail bond.

14 **(5) “Licensed surety” means a surety insurer who is authorized by the**  
15 **Maryland Insurance Commissioner to be a surety on a bail bond.**

16 **Cross reference: See Code, Insurance Article, § 10-301 et seq.**

17 (6) “Surety” means a person other than the defendant who, by executing a  
18 bail bond **directly or indirectly**, guarantees the appearance of the defendant[,] and includes  
19 an uncompensated [or accommodation] surety.

20 [(7) “Surety insurer” means any person in the business of becoming, either  
21 directly or through an authorized agent, a surety on a bail bond for compensation.]

22 (c) [Any] **Subject to the limitations in this Rule, a** clerk, District Court  
23 commissioner, or other person authorized by law may take a bail bond. The person who  
24 takes a bail bond shall deliver it to the court in which the charges are pending, together with  
25 all money or other collateral security deposited or pledged and all documents pertaining to  
26 the bail bond.

27 **Cross reference:** Code, Criminal Procedure Article, §§ 5-204 and 5-205.

28 (d) (1) [The] **In cooperation with the Maryland Insurance Administration,**  
29 **the** Chief Clerk of the District Court [shall maintain a list containing: (A) the names of all  
30 surety insurers who are in default, and have been for a period of 60 days or more, in the  
31 payment of any bail bond forfeited in any court in the State, (B) the names of all bail  
32 bondsmen authorized to write bail bonds in this State, and (C) the limit for any one bond  
33 specified in the bail bondsman’s general power of attorney on file with the Chief Clerk of the  
34 District Court] **(A) shall disseminate to court personnel current information on licensed**  
35 **bondsmen and the scope of each licensed bondsman’s authority to execute bail bonds;**  
36 **(B) shall disseminate to court personnel current information on sureties in default on**  
37 **bail bonds under section (i)(4) of this Rule; and (C) may disseminate to court personnel**  
38 **information on persons not authorized to act as bail bondsmen.**

39 (2) [No bail bond shall be accepted if the a surety on the bond on the current  
40 list maintained by the Chief Clerk of the District Court of those in default. No bail bond

1 executed by a surety insurer directly may be accepted unless accompanied by an affidavit  
2 reciting that the surety insurer is authorized by the Insurance Commissioner of Maryland to  
3 write bail bonds in this State.]

4 [(3) No bail bond executed by a bail bondsman may be accepted unless the  
5 bondman's name appears on the most recent list maintained by the Chief Clerk of the District  
6 Court, the bail bond is within the limit specified in the bondsman's general power of attorney  
7 as shown on the list or in a special power of attorney filed with the bond, and the bail bond  
8 is accompanied by an affidavit reciting that the bail bondsman:

9 (A) is duly licensed in the jurisdiction in which the charges are  
10 pending, if that jurisdiction licenses bail bondsmen;

11 (B) is authorized to engage the surety insurer as surety on the bail  
12 bond pursuant to a valid general or special power of attorney; and

13 (C) holds a valid license as an insurance broker or agent in this State,  
14 and that the surety insurer is authorized by the Insurance Commissioner of Maryland to write  
15 bail bonds in this State.

16 **Cross references.** — Code, Criminal Procedure Article, § 5-203 and Rule 16-817 (Appointment of Bail Bond  
17 Commissioner - Licensing and Regulation of Bail Bondsmen).]

18 **A person may not accept a bail bond until the person checks, through**  
19 **information disseminated under subsection (d)(1) of this Rule, that (A) the surety is**  
20 **authorized under Code, Insurance Article, Title 10, Subtitle 3 to provide bail bond**  
21 **services, (B) the surety is not in default, and (C) the amount would not exceed, or cause**  
22 **to be exceeded, the surety's authority to execute bail bonds.**

23 (e) (1) **(i)** A defendant or surety, **other than a licensed bondsman,**  
24 required to give collateral security may satisfy the requirement by:

25 (A) depositing with the person who takes the bond the  
26 required amount in cash or certified check, or pledging intangible property approved by the  
27 court; or

28 (B) encumbering one or more parcels of real estate situated  
29 in the State of Maryland, owned by the defendant or surety in fee simple absolute, or as  
30 chattel real subject to ground rent. No bail bond to be secured by real estate may be taken  
31 **under this subsection** unless: (1) a Declaration of Trust of a specified parcel of real estate,  
32 in the form set forth at the end of this Title as Form 4-217.1, is executed before the person  
33 who takes the bond and is filed with the bond, or (2) the bond is secured by a Deed of Trust  
34 to the State or its agent and the defendant or surety furnishes a verified list of all  
35 encumbrances on each parcel of real estate subject to the Deed of Trust in the form required  
36 for listing encumbrances in a Declaration of Trust.

37 **(ii)** **A licensed surety or insurance producer may satisfy this**  
38 **requirement only as authorized by the Maryland Insurance Commissioner as a**  
39 **condition of licensure as a bailbondsman.**

40 **Cross reference: As to reports to Internal Revenue Service and U. S. Attorneys**

1 **concerning persons other than licensed bail bondsmen depositing cash bonds of more**  
2 **than \$10,000 (Form 8300), penalties for failing to report, and notice to payors, see 26**  
3 **U.S.C. §§ 6050-I(g), 6721, and 6724 and 26 C.F.R. § 1.6050I-2.**

4 (f) The condition of any bail bond taken pursuant to this Rule shall be that the  
5 defendant personally appear as required, **including** in any court in which the charges are  
6 pending, or in which a charging document may be filed based on the same acts or  
7 transactions, or to which the action may be transferred, removed, or if from the District  
8 Court, appealed, and that the bail bond shall continue in effect until discharged pursuant to  
9 section (j) of this Rule. **Each surety on the bail bond is responsible for notifying and**  
10 **appearing with the defendant as required.**

11 (g) Every pretrial bail bond taken shall be in the form of the bail bond set forth at  
12 the end of this Title as Form 4-217.2 and shall be executed **under oath** and acknowledged  
13 by the defendant and any surety before the person who takes the bond.

14 (h) A surety on a bail bond who has custody of a defendant may procure the  
15 discharge of the bail bond at any time before forfeiture by:

16 (1) delivery of a copy of the bond and the amount of any premium [or fee]  
17 received for the bond to the court in which the charges are pending or to a commissioner in  
18 the county in which the charges are pending who shall thereupon issue an order committing  
19 the defendant to the custodian of the jail or detention center; and

20 (2) delivery of the defendant and the commitment order to the custodian of  
21 the jail or detention center, who shall thereupon issue a receipt for the defendant to the  
22 surety.

23 Unless released on a new bond, the defendant shall be taken forthwith before a judge  
24 of the court in which the charges are pending.

25 On motion of the surety or any person who paid the premium [or fee], and after notice  
26 and opportunity to be heard, the court may by order award to the surety an allowance for  
27 expenses in locating and surrendering the defendant, and refund the balance to the person  
28 who paid it.

29 **Cross reference: See Code, Insurance Article, § 10-327(b) as to proscription concerning**  
30 **fees other than authorized premiums.**

31 (i) (1) If a defendant fails to appear as required, the court shall order forfeiture  
32 of the bail bond and issuance of a warrant for the defendant's arrest. The clerk [shall]  
33 promptly [notify any] **shall provide, to each** surety on the defendant's bond [and], the  
34 State's Attorney, **and the Maryland Insurance Commissioner, notice** of the forfeiture of  
35 the bond and the issuance of the warrant.

36 **Cross references.** — Code, Criminal Procedure Article, § 5-211.

37 (2) If the defendant or surety can show reasonable grounds for the  
38 defendant's failure to appear, notwithstanding Rule 2-535, the court shall (A) strike out the  
39 forfeiture in whole or in part; and (B) set aside any judgment entered thereon pursuant to  
40 subsection (4)(A) of this section, and (C) order the remission in whole or in part of the

1 penalty sum paid pursuant to subsection (3) of this section. **The court may not reinstate a**  
2 **forfeited bond without the written consent of the surety.**

3 Cross reference: Code, Criminal Procedure Article, §§ **1-207 and 5-208(b)(1)** and (2) and  
4 *Allegany Mut. Cas. Co. v. State*, 234 Md. 278, 199 A.2d 201 (1964).

5 (3) Within 90 days from the date the defendant fails to appear, which time  
6 the court may extend to 180 days upon good cause shown, a surety shall satisfy any order of  
7 forfeiture, either by producing the defendant in court or by paying the penalty sum of the  
8 bond. If the defendant is produced within such time by the State, the court shall require the  
9 surety to pay the expenses of the State in producing the defendant and shall treat the order  
10 of forfeiture satisfied with respect to the remainder of the penalty sum.

11 (4) If an order of forfeiture has not been stricken or satisfied within 90 days  
12 after the defendant's failure to appear, or within 180 days if the time has been extended, the  
13 clerk shall forthwith:

14 (A) enter the order of forfeiture as a judgment in favor of the  
15 [governmental entity that is entitled by statute to receive the forfeiture] **Maryland Insurance**  
16 **Administration** and against the defendant and surety, if any, for the amount of the penalty  
17 sum of the bail bond, with interest from the date of forfeiture and costs including any costs  
18 of recording, less any amount that may have been deposited as collateral security; and

19 (B) cause the judgment to be recorded and indexed among the civil  
20 judgment records of the circuit court [of] **for** the county; and

21 (C) prepare, attest, and deliver or forward to [any bail bond  
22 commissioner appointed pursuant to Rule 16-817, to the State's Attorney, to] the Chief Clerk  
23 of the District Court, **the Maryland Insurance Commissioner**, and [to] the surety, if any,  
24 a true copy of the docket entries in the cause, showing the entry and recording of the  
25 judgment against the defendant and surety, if any.

26 [Enforcement of the judgment shall be by the State's Attorney in accordance with  
27 those provisions of the rules relating to the enforcement of judgments.]

28 (5) When the defendant is produced in court after the period allowed under  
29 subsection (3) of this section, the surety may apply for the refund of any penalty sum paid  
30 in satisfaction of the forfeiture less any expenses permitted by law. If the penalty sum has not  
31 been paid, the court, on application of the surety and payment of any expenses permitted by  
32 law, shall strike the judgment against the surety entered as a result of the forfeiture.

33 (6) (A) If, within the period allowed under subsection (3) of this section,  
34 the surety produces evidence and the court finds that the defendant is incarcerated in a penal  
35 institution outside this State and that the State's Attorney is unwilling to issue a detainer and  
36 subsequently extradite the defendant, the court shall strike out the forfeiture and shall return  
37 the bond or collateral security to the surety.

38 (B) If, after the expiration of the period allowed under subsection (3)  
39 of this section, but within 10 years from the date the bond or collateral was posted, the surety  
40 produces evidence and the court finds that the defendant is incarcerated in a penal institution

1 outside this State and that the State’s Attorney is unwilling to issue a detainer and  
2 subsequently extradite the defendant, the court shall (i) strike out the forfeiture; (ii) set aside  
3 any judgment thereon; and (iii) order the return of the forfeited bond or collateral or the  
4 remission of any penalty sum paid pursuant to subsection (3) of this section.

5 (j) (1) The bail bond shall be discharged when:

6 (A) all charges to which the bail bond applies have been stetted,  
7 unless the bond has been forfeited and 10 years have elapsed since the bond or other security  
8 was posted; or

9 (B) all charges to which the bail bond applies have been disposed of  
10 by a nolle prosequi, dismissal, acquittal, or probation before judgment; or

11 (C) the defendant has been sentenced in the District Court and no  
12 timely appeal has been taken, or in the circuit court exercising original jurisdiction, or on  
13 appeal or transfer from the District Court; or

14 (D) the court has revoked the bail bond pursuant to Rule 4-216 or the  
15 defendant has been convicted and denied bail pending sentencing; or

16 (E) the defendant has been surrendered by the surety pursuant to  
17 section (h) of this Rule.

18 **Cross references.** — See Code Criminal Procedure Article, § 5-208(d) relating to discharge of a bail bond  
19 when the charges are stetted. See also Rule 4-349 pursuant to which the District Court judge may deny release  
20 on bond pending appeal or may impose different or greater conditions for release after conviction than were  
21 imposed for the pretrial release of the defendant pursuant to Rule 4-216.

22 (2) Upon the discharge of a bail bond and surrender of the receipt, the clerk  
23 shall return any collateral security to the person who deposited or pledged it and shall release  
24 any Declaration of Trust that was taken.

25 **(k) In addition to notice under subsection (i)(1) and (4)(c) of this Rule, a clerk**  
26 **of court promptly shall notify the Maryland Insurance Commissioner whenever a bail**  
27 **bond is executed or discharged or an order of forfeiture or judgment is satisfied or**  
28 **stricken or a penalty sum is refunded or expenses allowed after forfeiture and may**  
29 **provide any additional information that the Commissioner requires in connection with**  
30 **licensing bail bondsmen and enforcing laws relating to bail bonds.**

31  
32 **Form 4-217.1.**

33 DECLARATION OF TRUST OF REAL ESTATE  
34 TO SECURE PERFORMANCE OF A BAIL BOND

35 STATE OF MARYLAND,

36 The undersigned [ ] Defendant, [ ] Surety, ..... (Name) of  
37 ....., (Address) in order to secure the performance of the bail bond  
38 annexed hereto, being first sworn (or, if Surety is [a corporation] **other than an individual**,  
39 its undersigned officer being first sworn), acknowledges and declares under oath as follows:

40 That the undersigned is the sole owner of [ ] a fee simple absolute, or [ ] a leasehold

1 subject to an annual ground rent of \$....., in certain land and premises situated in  
2 ..... (County) Maryland and described as ..... (lot, block,  
3 and subdivision or other legal description)

4 That the undersigned is competent to execute a conveyance of said land and premises;  
5 and

6 That the undersigned hereby holds the same in trust to the use and subject to the  
7 demand of the State of Maryland as collateral security for the performance of that bond;

8 That the property is assessed for \$..... x .8 = \$..... from which the following  
9 encumbrances should be deducted:

10	Ground rent capitalized at ___%*	\$.....	
11	Mortgages/Deeds of Trust totaling	\$.....	
12	Federal/State Tax Liens	\$.....	
13	Mechanics Liens	\$.....	
14	Judgment & Other Liens	\$.....	
15	Other outstanding Bail Bonds	\$.....	
16	Total Encumbrances	\$.....	\$.....

17 and that the present net equity in the property is \$.....

18 \* The capitalization rates for ground leases are: (1) 4% for leases executed from April 9,  
19 1884 to April 5, 1888, inclusive; (2) 12% for leases created after July 1, 1982; and (3) 6%  
20 for leases created at any other time. See Code, Real Property Article, § 8-110.

21 That, if the undersigned is [a body corporate] **other than an individual**, this  
22 Declaration of Trust is its act and deed and that its undersigned officer is fully authorized to  
23 execute this Declaration of Trust on its behalf.

24 And the undersigned further declares, covenants, and undertakes not to sell, transfer,  
25 convey, assign, or encumber the land and premises or any interest therein, so long as the bail  
26 bond hereby secured remains undischarged and in full force and effect, without the consent  
27 of the court in which the bail bond is filed, it being understood that upon discharge of the bail  
28 bond the clerk of the court will execute a release in writing endorsed on the foot of this  
29 document (or by a separate Deed of Release), which may be recorded in the same manner  
30 and with like effect of a release of mortgage if this Declaration of Trust is recorded among  
31 the Land Records.

32 \_\_\_\_\_(Seal)

33 (Defendant)

34 or

35 \_\_\_\_\_(Seal)

36 (Surety)

37 by .....

38  
39 SWORN to, signed, sealed, and acknowledged before me this ..... day of  
40 ..... (month),..... (year).

1  
2 \_\_\_\_\_  
3 Commissioner/Clerk/Judge  
4 of the ..... Court for ..... County/City  
5

6 **Form 4-217.2.**  
7 (Caption)

8 BAIL BOND

9 KNOW ALL PERSONS BY THESE PRESENTS:

10 That I/we, the undersigned, jointly and severally, acknowledge **under oath** that I/we,  
11 our personal representatives, successors, and assigns are held and firmly bound unto the State  
12 of Maryland in the penalty sum of [ . . . . . Dollars (] \$. . . . .)]

13  without collateral security;

14  with collateral security equal in value to the greater of [\$25.00] **\$100** or . . . .  
15 . . % of the penalty sum;

16  with collateral security equal in value to the full penalty amount;

17  with the obligation of the [corporation which is an insurer or other surety]  
18 **surety insurer licensed as a bail bondsmen ..... (name and license number),** in the  
19 full penalty amount.

20 To secure payment the  defendant  surety has

21  deposited  in cash or  by certified check the amount of \$.....

22  pledged the following intangible personal property: . . . . .  
23 . . . . .

24  encumbered the real estate described in the Declaration of Trust filed  
25 herewith, or in a Deed of Trust dated the . . . . . day of . . . . . (month), . . . . . (year),  
26 from the undersigned surety to ....., to the use of the State of Maryland.

27  **complied with the requirements of the Maryland Insurance**  
28 **Commissioner as to deposit, encumbrance, or pledge of assets for licensure as a bail**  
29 **bondsman.**

30 THE CONDITION OF THIS BOND IS that the defendant personally appear, as  
31 required, **including** in any court in which the charges are pending, or in which a charging  
32 document may be filed based on the same acts or transactions, or to which the action may be  
33 transferred, removed, or, if from the District Court, appealed. **The undersigned is**  
34 **responsible for notifying and producing the defendant as required.**

35 IF, however, the defendant fails to perform the foregoing condition, this bond shall  
36 be forfeited forthwith for payment of the above penalty sum in accordance with law.

37 IT IS AGREED AND UNDERSTOOD that this bond shall continue in full force and  
38 effect until discharged pursuant to Rule 4-217.

39 AND the undersigned surety covenants that the only compensation chargeable in  
40 connection with the execution of this bond consisted of a [ fee,]  premium[,  service

1 charge for the loan of money, or other (describe) ..... ]  
2 **authorized under Code, Insurance Article, § 10-328**, in the amount of \$ .....

3 AND the undersigned surety covenants that no collateral was or will be deposited,  
4 pledged, or encumbered directly or indirectly in favor of the surety in connection with the  
5 execution of this bond except: .....

6  
7 IN WITNESS WHEREOF, these presents have been executed under seal this . .  
8 ..... day of .....(month), ..... (year).

9 ..... (SEAL) .....  
10 Defendant Address of Defendant

11  
12  
13 ..... (SEAL) .....  
14 Personal Surety Address of Surety

15  
16  
17 ..... (SEAL) .....  
18 Surety-Insurer Address of Surety-Insurer

19 **Maryland license number:** .....

20  
21 By: ..... (SEAL) .....  
22 Bail Bondsman Power of Attorney No.

23  
24 SIGNED, sealed, and acknowledged before me:

25  
26 ..... Commissioner/Clerk/Judge  
27 of the ..... Court for  
28 ..... County/City

29  
30 **Rule 4-221.**

31 (b) The commissioner or the clerk shall schedule a preliminary hearing date within  
32 30 days after a timely request for a hearing and shall notify all parties **and sureties on any**  
33 **bail bond** of the date. For good cause shown, the court may reschedule the hearing.

34  
35 **Rule 4-247.**

36 (b) When nolle prosequi has been entered on a charge, any conditions of pretrial  
37 release on that charge are terminated, and any bail bond posted for the defendant on that  
38 charge shall be released. The clerk shall take the action necessary to recall or revoke any  
39 outstanding warrant or detainer that could lead to the arrest or detention of the defendant  
40 because of that charge.

1 **Cross reference: See Rule 4-217(k) as to the requirement to notify the Maryland**  
2 **Insurance Administration as to discharge of a bail bond.**  
3

4 **Rule 4-251.**

5 (c) (2) If the court grants a motion to transfer jurisdiction of an action to the  
6 juvenile court, the court shall enter a written order waiving its jurisdiction and ordering that  
7 the defendant be subject to the jurisdiction and procedures of the juvenile court. In its order  
8 the court shall (A) release or continue the pretrial release of the defendant, subject to  
9 appropriate conditions reasonably necessary to ensure the appearance of the defendant **as**  
10 **required, including** in the juvenile court or (B) place the defendant in detention or shelter  
11 care pursuant to Code, Courts Article, § 3-815. Until a juvenile petition is filed, the charged  
12 document shall be considered a juvenile petition for the purpose of imposition and  
13 enforcement of conditions of release or placement of the defendant in detention or shelter  
14 care.

15 Cross reference: Code, Criminal Procedure Article, § 4-202.

16  
17 **Rule 4-252.**

18 (h) (3) If the court grants a motion to transfer jurisdiction of an action to the  
19 juvenile court, the court shall enter a written order waiving its jurisdiction and ordering that  
20 the defendant be subject to the jurisdiction and procedures of the juvenile court. In its order  
21 the court shall (A) release or continue the pretrial release of the defendant, subject to  
22 appropriate conditions reasonably necessary to ensure the appearance of the defendant **as**  
23 **required, including** in the juvenile court or (B) place the defendant in detention or shelter  
24 care pursuant to Code, Court Article, § 3-815. Until a juvenile petition is filed, the charging  
25 document shall have the effect of a juvenile petition for the purpose of imposition and  
26 enforcement of conditions of release or placement of the defendant in detention or shelter  
27 care.

28  
29 **Rule 4-267.**

30 (a) When a peace officer takes a person into custody as a material witness without  
31 an order of court for attachment, the person shall be taken promptly before a judicial officer  
32 in the county in which the action is pending or where the witness is taken into custody. If the  
33 judicial officer determines, after a hearing, that (1) the testimony of the witness is material  
34 in a criminal proceeding, and (2) it may become impracticable to secure the witness'  
35 attendance by subpoena, the judicial officer shall set a reasonable bond to ensure the  
36 attendance of the witness [at the hearing or trial when] **as required, including at a hearing**  
37 **or trial**. A witness who is unable to post the prescribed bond shall be committed to jail. After  
38 seven days a detained witness shall be released unless, prior thereto, the court, after hearing,  
39 orders further detention pursuant to an application filed in accordance with this Rule.

40 (b) Upon application filed by a party in accordance with this Rule, the court may

1 order the issuance of a body attachment of a witness and require the witness to post a bond  
2 in an amount fixed by the court to ensure [attendance] **appearance as required** if the court  
3 is satisfied that (1) the testimony of the witness is material in a criminal proceeding, and (2)  
4 it may become impracticable to secure the witness' [attendance] **appearance** by subpoena.  
5 The sheriff or peace officer shall execute a body attachment by taking the witness into  
6 custody and forthwith before a judicial officer in the county where the action is pending or  
7 where the witness is taken into custody to post bond. A witness who is unable to post the  
8 prescribed bond shall be committed to jail. Within three days after the witness is taken into  
9 custody, the court shall hold a hearing with respect to any matter contained in the application  
10 or to the conditions of release imposed on the witness.

11 (d) The condition of a bond posted pursuant to this Rule shall be that the witness  
12 personally appear as required to give evidence, **including** in any court (1) in which charges  
13 are pending against a named defendant in a particular criminal action, or (2) in which a  
14 charging document may be filed based on the same acts or transactions, or (3) to which the  
15 action may be transferred or removed; and that the bond shall continue in effect until  
16 discharged by the court having jurisdiction of the action.

17 (e) An application for continued detention under section (a) of this Rule or for a  
18 body attachment under section (b) of this Rule shall be verified and shall contain the  
19 following:

- 20 (1) The name and present address of the witness;  
21 (2) The designation of the action for which the testimony of the witness is  
22 required;  
23 (3) A summary of the information or testimony of which the moving party  
24 believes the witness has knowledge;  
25 (4) The materiality of the expected testimony of the witness;  
26 (5) The reason for requiring a bond or incarceration to ensure [the  
27 attendance] **appearance** of the witness **as required**.

28 Cross reference: Code [(1957, 1989 Repl. Vol.)], Courts Art., § 9-203. **See Code, Courts**  
29 **Art., § 9-204 as to discharge from execution of forfeited bond; Rule 4-217 as to bonds.**

30  
31 **Rule 4-348.**

32 (c) Upon the filing of an appeal or petition of writ of certiorari in any appellate  
33 court, a sentence to pay a fine or a fine and costs may be stayed by the court upon terms the  
34 court deems proper, but any bond required to stay the payment pending appeal may not  
35 exceed the unpaid amount of the fine and costs, if any.

36 **Cross reference: See Rule 4-217 as to bonds.**

37  
38 **Rule 4-349.**

39 (c) The court may impose different or greater conditions for release under this  
40 Rule than had been imposed upon the defendant pursuant to Rule 4-216 before trial. When

1 the defendant is released pending sentencing, the condition of any bond required by the court  
2 shall be that the defendant appear [for further proceedings] as directed and surrender to serve  
3 any sentence imposed. When the defendant is released pending any appellate review, the  
4 condition of any bond required by the court shall be that the defendant prosecute the  
5 appellate review according to law and, upon termination of the appeal, surrender to serve any  
6 sentence required to be served or appear [for further proceedings] as directed. The bond shall  
7 continue until discharged by order of the court or until surrender of the defendant, whichever  
8 is earlier.

9 (d) The court, on motion of any party or on its own initiative and after notice and  
10 opportunity for hearing, may revoke an order of release or amend it to impose additional or  
11 different conditions of release. If its decision results in the detention of the defendant, the  
12 court shall state the reasons for its action in writing or on the record.

13 **Cross reference: See Rule 4-217 as to bonds.**

14  
15 **Rule 4-407.**

16 (b) The statement shall include or be accompanied by an order either granting or  
17 denying relief. If the order is in favor of the petitioner, the court may provide for  
18 arraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that  
19 may be necessary and proper..

20 **Cross reference: See Rule 4-217 as to bonds.**

21  
22 **[Rule 16-817.**

23 A majority of the judges of the circuit courts in any appellate judicial circuit may  
24 appoint a bail bond commissioner and license and regulate bail bondsmen and acceptance of  
25 bail bonds. Each bail bond commissioner appointed pursuant to this Rule shall prepare,  
26 maintain, and periodically distribute to all District Court commissioners and clerks within  
27 the jurisdiction of the appellate judicial circuit for posting in their respective offices, to the  
28 State Court Administrator, and to the Chief Clerk of the District Court, an alphabetical list  
29 of bail bondsmen licensed to write bail bonds within the appellate judicial circuit, showing  
30 the bail bondsman's name, business address and telephone number, and any limit on the  
31 amount of any one bond, and the aggregate limit on all bonds, each bail bondsman is  
32 authorized to write.]